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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,536	04/20/2004	Dieter Gottwald	20423-10527	2957
758 7590 11/14/2008 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER TRAN, PHUOC				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/827,536

Applicant(s)

GOTTWALD, DIETER

Examiner

Phuoc Tran

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Applicant's arguments with respect to claims 1, 2, 7, 17 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 8, 9, applicant argues that Brandt et al fail to disclose "wherein a data element is encoded by representing the data in an alternate base" and "wherein an encoded dataset is reduced in size by the use of large numerical bases". In response, as shown in Fig. 11, Brandt et al disclose encoding a data element using an alternative base such as "SIZE = 4" for Member Number, "SIZE = 1" for Middle Initial, "SIZE = 2" for State, etc. Using various "SIZES" or bases reduces the encoded data when compared to using a single large "SIZE", e.g., "SIZE = 15".

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8, 9, 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandt et al [U.S. Patent No. 5,892,905].

As to claim 8, Brandt et al disclose a method for secure encoding of data including constructing a template agreed to for use by sender and receiver (see col. 11, lines 11-115; col. 14, lines 43-60; col. 23, lines 58-67; Fig. 11); encoding data with reference to the template (see col. 23, line 58 – col. 24, line 12; Fig. 12); and decoding the data with reference to the template (col. 24, line 46 – col. 25, line 20), wherein said template includes one or more element references (see Fig. 11, e.g., member number, name, origin city, etc.) said element reference includes encoding elements (see Fig. 11, e.g., <INPUT TYPE= "text" NAME= "membno" Size

4>, <INPUT TYPE= "text" NAME="lname" SIZE=15>, etc.) which describes the encoding of the data and data elements which represents the encoded data; said element references, encoding elements and data elements are arranged relative to each other in a format defined by the template (see Fig. 11); wherein an element reference includes an indication of the data element, the number of characters in the representation of the data element and an indication as to how the representation is formed, wherein a data element is encoded by representing the data in an alternate base (see Fig. 11) . As shown in Fig. 11, Brandt et al disclose encoding a data element using an alternative base such as "SIZE = 4" for Member Number, "SIZE = 1" for Middle Initial, "SIZE = 2" for State, etc. Brandt et al further disclose various templates shown in Figs. 11, 13, 14, 16, 18a, 18b, 19a, 19b, 19c, 21, 22.

As to claim 9, Brandt et al further disclose that using various "SIZES" or bases reduces the encoded data when compared to using a single large "SIZE", e.g., "SIZE = 15".

As to claims 16, 18, these claims recite limitations which are similar to those of claims 8, 9. Therefore, they are rejected for the same reasons applied to claims 8-9.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 10-15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al in view of Reiche [6,092,196].

As to claim 1, Brandt et al disclose a method for secure encoding of data including constructing a template agreed to for use by sender and receiver (see col. 11, lines 11-115; col. 14, lines 43-60; col. 23, lines 58-67; Fig. 11); encoding data with reference to the template (see col. 23, line 58 – col. 24, line 12; Fig. 12); and decoding the data with reference to the template (col. 24, line 46 – col. 25, line 20), wherein said template includes one or more element references (see Fig. 11, e.g., member number, name, origin city, etc.) said element reference includes encoding attributes (see Fig. 11, e.g., <INPUT TYPE= “text” NAME= “membno” Size 4>, <INPUT TYPE= “text” NAME=“lname” SIZE=15>, etc.), which determine the data element to encode or decode and the representation of each data element; said element references are arranged relative to each other in a format defined by the template (see Fig. 11).

Brandt et al do not disclose using checksum or check digit. Reiche teaches adding a checksum or check digit to an encoded data from a browser (see col. 9, lines 1-8). It would have been obvious to one of ordinary skill in the art to add checksum or check digit as taught by Reiche to the encoded data from the browser disclosed by Brandt et al for the purpose of detecting errors.

As to claim 2, Brandt et al disclose the claim limitations mentioned above with respect to claim 1. Brandt et al further disclose that element reference includes encoding elements (see Fig. 11, e.g., <INPUT TYPE= “text” NAME= “membno” Size 4>, <INPUT TYPE= “text” NAME=“lname” SIZE=15>, etc.) which describe the encoding of the data and data elements which represents the encoded data; said element references, encoding elements and data elements are arranged relative to each other in a format defined by the template (see Fig. 11).

As to claims 3, 4, Brandt et al disclose that the element references are spaced apart by one or more literal elements (see Fig. 11).

As to claim 5, Brandt et al disclose that each template varies in the type of encoding for each data element and the arrangement of element references (see Figs. 11, 13, 14, 16, 18a, 18b, 19a, 19b, 19c, 21, 22).

As to claim 6, Brandt et al disclose that each template may vary in the format in which said element references, literal elements, encoding elements and data elements are arranged and each template may vary in the manner of encoding of the data (see Figs. 11, 13, 14, 16, 18a, 18b, 19a, 19b, 19c, 21, 22).

As to claim 7, Brandt et al disclose the claim limitations mentioned above with respect to claim 1. Brandt et al do not disclose scrambling encoding elements. Reiche teaches encrypting (i.e., scrambling) encoding elements (see col. 9, lines 1-8). It would have been obvious to one of ordinary skill in the art to use encryption algorithm as taught by Reiche to encrypt encoding elements disclosed by Brandt et al for the purpose of securing encoded data.

As to claims 10-15, 17, these claims recite limitations which are similar to those of claims 1-7. Therefore, they are rejected for the same reasons applied to claims 1-7.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc Tran whose telephone number is (571) 272-7399. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc Tran/
Primary Examiner, Art Unit 2624

